CANCELLED CANCELLED

C.P.-201

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 3023 OF 2003

BETWEEN

1. Laxmi Narayan Induriya son of Late Shri Satya Narayan Induriya, aged about 58 years Ex. Minister and State President of Nationalist Congress Party, resident of Choubey Colony, Raipur (CG).

2. Jagdish Kumar son of Anup Ram Nishad, aged about 36 years, resident of Village Dongripali District Mahasamund (CG).

PETITIONERS

A N D

1. Union of India, Through the Secretary Department of Food and Consumer Affairs, New Delhi .

2. The State of Chhattisgarh Through the Secretary department of Food, Civil Supplies and Consumer Protection, Mantralay , D.K.S. Building, Raipur (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioners :

XI-HC-22

(43)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 3021 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

07.01.2004

Shri Prashant Mishra, counsel for the petitioners.

Shri Vinay Harit, Sr. Central Govt. Standing Counsel for Respondent No. 1.

Dr. N.K. Shukla, Additional Advocate General with Shri Ranbir Singh, Dy. Advocate General for the State / Respondent No2.

Heard on I.A.No.8951/2003 for urgent hearing.

Application is allowed.

Heard.

Dr. N. K. Shukla submits that the matter relates to procurement of Paddy for the Khariff year 2002-03 and since the period has elapsed this petition has become infructuous.

Shri Mishra, counsel for the petitioners on the other hand submits that for the khariff year 2002-03 the Government of India has declared the minimum support price and after the said declaration the Government of Chhattisgarh issued instructions to the State Officials for procurement of paddy for the Khariff year 2002-03. He further submits that according to the instructions / guidelines, the bar of procurement is only to the extent of five quintals per acre whereas the normal yield per acre is ten quintals. It is further

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(५५)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 3072 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

submitted that more or less the same policy is adopted for the current year i.e. 2003-04. Para 5.3 (K) of the writ petition is relevant here and quoted below:

> *"5.3(K) The average yield per acre shall be taken as 10 quintals and only half of the said quantity i.e. 5 quintals per acres shall only be allowed to be procured."*

Shri Mishra also raised grievance that apartment from the minimum support price, an additional amount of Rs. 15/- per quintal is required to be paid as transportation charges irrespect of the distance.

Dr. Shukla on the other hand submits that the policy has been taken by the Government considering various contents.

Learned counsel for petitioners submits that representations have been submitted to the State Government vide Annexure P/2 and P/3 which are pending. Shri Mishra further submits that the petitioner may be allowed to make a detailed representation afresh alongwith copy of this petition.

Having considered the facts and circumstances of the case and material on record, in our opinion, it will be just and proper to give opportunity to both the parties. Let a representation be made alongwith a copy of the petition to the Competent Authority / respondent No.2 within 15 days from

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 8 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

today and if such a representation is filed, the respondent State shall consider and decide the same on its own merits in accordance with law as early as possible preferably within a month from the date of receipt of the representation.

With this observation, this petition is disposed of at this stage.

Security amount if any deposited be refunded to the petitioner.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Sd/-
L.C. Bhadoo
Judge

/Rao/

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